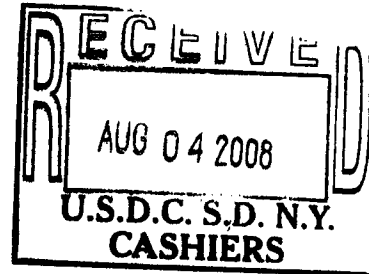


**JUDGE STEIN**

Kipp C. Leland (KL-0932)  
HILL RIVKINS & HAYDEN LLP  
45 Broadway  
Suite 1500  
New York, New York 10006  
Attorneys for Plaintiff

08 CV 6942

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
OKAYA (U.S.A.), INC.

Plaintiff,

**COMPLAINT**

- against -

GALAXY BULKSHIP LTD, and  
JH WORLD EXPRESS, *in personam*, and the  
M/V SANKO GALAXY, her engines,  
boilers, tackle, etc., *in rem*.

Defendants.  
-----X

The plaintiff herein, by his attorneys, Hill Rivkins & Hayden LLP, complaining of  
the above named vessel and defendants, allege upon information and belief as follows:

**FIRST:** This Court has jurisdiction pursuant to 28 U.S.C. 1333 in that this  
is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules  
of Civil Procedure.

**SECOND:** At and during all the times hereinafter mentioned, plaintiff had and  
now has the legal status and principal offices and places of business stated in Schedule A  
hereto annexed and by this reference made a part hereof.

**THIRD:** At and during all times hereinafter mentioned, defendants had and now have the legal status and office and place of business stated in Schedule A, and now are engaged in business as common carriers of merchandise by water for hire, and owned, operated, managed, chartered, and controlled the above named vessel which now is or will be within the jurisdiction of this Court during the pendency of this action, and additionally conducted business within the boundaries of the Southern District of New York.

**FOURTH:** On or about the date and at the ports or shipments stated in Schedule A, there was delivered to the vessel and defendants in good order and condition the shipments described in Schedule A, which the said vessel and defendants received, accepted and agreed to transport for certain consideration to the port of destination stated in Schedule A.

**FIFTH:** Thereafter, the said vessel arrived at the port of destination described in Schedule A, where the cargoes were delivered damaged.

**SIXTH:** By reason of the premises, the above named vessel and defendants breached, failed and violated their duties and obligations as common carriers and were otherwise at fault.

**SEVENTH:** By reason of the premises, the above named defendants breached, failed, and violated their contractual duties and obligations to plaintiff.

**EIGHTH:** Plaintiff was the shipper, consignee or owner of the shipment as described in Schedule A, and brings this action on his own behalf and, as agent and trustee, on behalf of and for the interest of all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and plaintiff is entitled to maintain this action.

**NINTH:** Plaintiff has performed all duties and obligations on his part to be performed.

**TENTH:** By reason of the premises, plaintiff has sustained damages as nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the amount of \$60,000.00.

**W H E R E F O R E,** plaintiff prays:

1. That process in due form of law according to the practice of this Court may issue against the defendants.

2. That if the defendants cannot be found within this District, that all of its property within this District be attached in the sum set forth in this complaint, with interest and costs.

3. That a decree be entered in favor of plaintiff against defendants and the vessel for the amount of plaintiff's damages, together with interest and costs.

4. That process in due form of law according to the practice of this Court may issue against the aforesaid named vessel.

5. Plaintiff further prays for such other, further and different relief as to this Court may seem just and proper in the premises.

Dated: New York, New York  
August 4, 2008

HILL RIVKINS & HAYDEN  
Attorneys for Plaintiff,

By: 

Kipp C. Leland (KL-0932)  
45 Broadway, Suite 1500  
New York, New York, 10006  
212-669-0600

**SCHEDULE A**

**Plaintiff's legal status and place of business:**

OKAYA (U.S.A.), INC. is a corporation or other business entity existing under law with an office and place of business at 140 East Ridgewood Ave, Mack Cali Ctr 3, Paramus, New Jersey 07652.

**Defendants' legal status and place of business:**

GALAXY BULKSHIP LTD is a corporation or other business entity existing under law with an office and place of business at 17 Battery Place, New York, New York 10004.

The M/V SANKO GALAXY is a vessel owned by GALAXY BULKSHIP LTD, a corporation or other business entity existing under law with an office and place of business at 17 Battery Place, New York, New York 10004.

JH WORLD EXPRESS is a corporation or other business entity existing under law with an office and place of business at 13515 S. Figueroa Street, Los Angeles, CA 90061.

Bill of Lading No.	PAE0706003
Date of Shipment:	Clean On Board May 31, 2007
Port of Loading:	Shanghai, China
Port of Discharge:	New Orleans, Louisiana
Shipper:	Panyu Chu Kong Steel Pipe Co., Ltd.
Consignee:	Okaya (U.S.A.), Inc.
Description of Shipment:	466 Longitudinal Saw Pipes API 5L Grade B 30" X 9.53 mm X 12M - 125 Pipes 30" X 10.31mm X 12M - 65 Pipes 30" X 12.7mm X 12M - 75 Pipes 36" X 9.53mm X 12M - 150 Pipes 36" X 12.7mm X 12M - 51 Pipes
Nature of Loss or Damage:	Impact Damage